UNITED STATES PATENT AND TRADEMARK OFFICE

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10/691,442	10/23/2003	Scott Hanggie	306778.01/MFCP.139600	8090

45809 7590 06/04/2008	EXAMINER	
SHOOK, HARDY & BACON L.L.P.		
(c/o MICROSOFT CORPORATION)	CASCHERA, ANTONIO A	
INTELLECTUAL PROPERTY DEPARTMENT		
2555 GRAND BOULEVARD	ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 March 2008_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30 and 35-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,11-13,21,22,35 and 36_ is/are rejected.

7)☒ Claim(s) _4-10,14-20,23-30 and 37_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _23 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of Group I, claims 1-29 and 35-37 in the reply filed

on 03/12/2008 is acknowledged.

Specification

2.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract comprises the phrase, "…on a computer using a composited desktop model operating system are disclosed," (see lines 1-2 of the abstract) which can be implied and therefore must be corrected.

Claim Objections

3.   Claims 1-10 and 35-36 are objected to because of the following informalities:

a.   The preamble of claims 1 and 35, should read, "…storage medium(media) having

computer executable instructions embodied thereon…" (see lines 1-2 of claims 1 and 35)

in order to better conform with accepted, by the Office, computer readable storage

medium type claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-3, 11-13, 21, 22, 35 and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Washington et al. (U.S. Patent 5,870,088).

In reference to claim 1, Washington et al. discloses a computer readable storage medium

having computer useable instructions embodied thereon for storing a data structure defining a

window for drawing on a desktop representation displayed on a display device (see column 1,

lines 19-21, columns 1-2, lines 24-31, column 5, lines 1-19, column 6, lines 1-13 and Figures 5

and 25 wherein Washington et al. discloses computer software for implementing the method of

editing controls via a direct graphical user interaction. Washington et al. discloses graphical

controls or objects being manipulated on screen by a user so that the objects' properties are

modified and stored in memory.), comprising:

a first data field storing base content object properties for a base content object of

the window (see columns 1-2, lines 24-31, 54-59, column 3, lines 9-23, column 7, lines

4-15 and Figures 7, 8 and 11 wherein Washington et al. discloses the object comprising

editable properties. Washington et al. discloses the properties displayed in "fields" on the

right hand side of Figure 7 which represents the depiction of a graphical user interface for

editing objects. Washington et al. further discloses a "form" which is a "stage" for

comprising all of the objects as included by a user, the "form" seen as equivalent to

Applicant's "window."); and

a *second data field* storing content object properties for a plurality of *discrete*

primary content objects (see columns 1-2, lines 24-31, 54-59, column 3, lines 9-23,

column 7, lines 4-15 and Figures 7, 8 and 12 wherein Washington et al. discloses

allowing for multiple objects to be placed in the form).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to interpret the multiple objects in the form of Washington et al. (see Figure 12), as

each having there own properties stored in multiple data fields (see properties displayed in

"fields" on the right hand side of Figure 7) since Washington et al. explicitly discloses such data

field for storing one object's properties. Whether the objects are base objects, such as GUI

frames or primary objects such as GUI buttons, checkboxes, it is interpreted by the Office that

each has its own properties stored in its in properties field since Washington et al. discloses such

for one object and therefore additional objects would simply be a duplication in parts for a

multiplied effect (see *St. Regis Paper Co. v. Bemis Co., Inc., 193 USPQ 8, 11 (7th cir. 1977)*).

In reference to claims 2, 3, 12, 13 and 22, Washington et al. discloses all of the claim

limitations as applied to claims 1, 11 and 21 respectively in addition, Washington et al. explicitly

discloses the object's properties to comprise of size and shape values (see column 2, lines 12-

15). Further, Washington et al. explicitly discloses a form properties page to comprise of

editable options for height/width (extent), left (margin) and backcolor (seen functionally

equivalent to Applicant's "base material") (see right hand side of Figure 9).

In reference to claim 11, Washington et al. discloses a data processing system (see Figure 25 and column 5, lines 1-30 wherein Washington et al. discloses a computer system that processes graphical data for the user editing of GUI objects.) comprising:

a memory storing window properties comprising, for a plurality of windows for which properties are stored, properties for a base object and *properties for one or more primary content objects* (see column 1, lines 19-21, columns 1-2, lines 24-31, column 5, lines 1-19, column 6, lines 1-13 and Figures 5 and 25 wherein Washington et al. discloses computer software for implementing the method of editing controls via a direct graphical user interaction. Washington et al. discloses graphical controls or objects being manipulated on screen by a user so that the objects' properties are modified and stored in memory.);

a compositing desktop window manager software module that composes a desktop based on the window properties of each window for which properties are stored, wherein for one of the plurality of windows for which properties are stored, the memory stores a plurality of *primary content objects* (see column 5, lines 1-30, Figures 7, 9, 12 and 13 wherein Washington et al. discloses the computer system rendering a GUI including objects and their set properties embedded in a form of the GUI).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to interpret the multiple objects in the form of Washington et al. (see Figure 12), as each having there own properties stored in multiple data fields (see properties displayed in "fields" on the right hand side of Figure 7) since Washington et al. explicitly discloses such data field for storing one object's properties. Whether the objects are base objects, such as GUI frames or primary objects such as GUI buttons, checkboxes, it is interpreted by the Office that

each has its own properties stored in its in properties field since Washington et al. discloses such

for one object and therefore additional objects would simply be a duplication in parts for a

multiplied effect (see *St. Regis Paper Co. v. Bemis Co., Inc., 193 USPQ 8, 11 (7th cir. 1977)*).

In reference to claim 21, Washington et al. discloses a computer implemented method of

displaying a window in a graphical user interface of a shell of an operating system (see Figure 25

and column 5, lines 1-30 wherein Washington et al. discloses a computer system that processes

graphical data for the user editing of GUI objects using a rendering of the GUI.), comprising:

receiving window information from an instance of an application program (see column 5,

lines 1-30, Figures 7, 9, 12 and 13 wherein Washington et al. discloses the computer system

rendering a GUI including objects and their set properties embedded in a form of the GUI. Note,

the Office interprets that in order for the GUI or form to show the properties of the object, as set

by the user, the GUI must inherently receive information regarding the form and its embedded

objects in order to display them correctly.).; and

rendering a window having a base object and *a plurality of discrete primary content*

objects (see column 5, lines 1-30, Figures 7, 9, 12 and 13 wherein Washington et al. discloses the

computer system rendering a GUI including objects and their set properties embedded in a form

of the GUI.).;.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to interpret the multiple objects in the form of Washington et al. (see Figure 12), as

each having there own properties stored in multiple data fields (see properties displayed in

"fields" on the right hand side of Figure 7) since Washington et al. explicitly discloses such data

field for storing one object's properties. Whether the objects are base objects, such as GUI

frames or primary objects such as GUI buttons, checkboxes, it is interpreted by the Office that

each has its own properties stored in its in properties field since Washington et al. discloses such

for one object and therefore additional objects would simply be a duplication in parts for a

multiplied effect (see *St. Regis Paper Co. v. Bemis Co., Inc.,* 193 USPQ 8, 11 *(7th cir. 1977)*).

In reference to claim 35, Washington et al. discloses one or more computer readable

storage media having computer useable instruction embodied thereon for providing a graphical

user interface in a window rendered on a computer display device (see column 1, lines 19-21,

columns 1-2, lines 24-31, column 5, lines 1-19, column 6, lines 1-13 and Figures 5 and 25

wherein Washington et al. discloses computer software for implementing the method of editing

controls via a direct graphical user interaction. Washington et al. discloses graphical controls or

objects being manipulated on screen by a user so that the objects' properties are modified and

stored in memory.), said user interface comprising:

a first primary content region within the window, said first primary content region

corresponding to first content provided by an application program (see Figures 7 & 9 wherein the

form of the GUI displayed by the invention of Washington et al. comprises an area of first

primary content displaying an object in the content. Washington et al. also further discloses

displaying multiple objects in the form (see Figure 12));

a second primary content region within the window, visually disconnected from said first

primary content region, said second primary content region corresponding to second content

provided by the application program

a base frame region encircling each of said first primary content region and said second

primary content region, said base frame region corresponding to content provided by an

operating system (see Figures 7 and 9 wherein Washington et al. discloses the GUI displaying a

frame region encompassing the object. See the bounding box made by the "dots" that surround

the object in Figure 9.).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to interpret the multiple objects in the form of Washington et al. (see Figure 12), as

each having there own properties stored in multiple data fields (see properties displayed in

"fields" on the right hand side of Figure 7) since Washington et al. explicitly discloses such data

field for storing one object's properties. Whether the objects are primary objects or secondary

objects, it is interpreted by the Office that each has its own properties stored in its in properties

field and further comprises its own frame region encompassing the object, since Washington et

al. discloses such for one object and therefore additional objects would simply be a duplication in

parts for a multiplied effect (see *St. Regis Paper Co. v. Bemis Co., Inc., 193 USPQ 8, 11 (7th cir.
1977)*).

In reference to claim 36, Washington et al. discloses all of the claim limitations as

applied to claim 35 above in addition, Washington et al. discloses the GUI displaying a frame

region encompassing the object (See the bounding box made by the "dots" that surround the

object in Figure 9 which the Office interprets as equivalent to defining a boundary within the

window or form.).

Response to Arguments

5.   The cancellation of claims 31-34 is noted.

6.   Applicant's arguments, see pages 8-9 of Applicant's Remarks, filed 03/12/08, with respect to 35 USC 101 rejection of claims 1-10 and 35-36 have been fully considered and are persuasive. The 35 USC 101 rejection of claims 1-10 and 35-36 has been withdrawn since the claims now recite statutory subject matter. Note, such claims are however still objected to for a minor informality regarding the term "useable."

Allowable Subject Matter

7.   Claims 4-10, 14-20, 23-30 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

References Cited

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

    a.   Arsenault et al. (U.S. Patent 6,870,546)

        i.   Arsenault et al. discloses a method, apparatus and article of manufacture for executing intelligent shape programming in a computer within a CAD program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781.

The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00

AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone

number is (571) 272-2600.

/Antonio A Caschera/

Examiner, Art Unit 2628

6/5/08